

REMARKS

In the present Amendment, claim 3 has been amended to delete “a hydrogen atom” from the definition for R⁴. No new matter has been added, and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, claims 1-10 will be pending, of which claims 1, 2 and 4-10 are withdrawn from consideration.

Applicants thank the Examiner for withdrawing the species election requirement.

At page 3 of the Action, claim 3 is rejected under 35 U.S.C. §102(b) as allegedly being anticipated by WO 96/132,259 (WO ‘259).

Applicants submit that this rejection should be withdrawn because WO ‘259 does not disclose or render obvious the presently claimed compound.

The substituent in Formula (I) of WO ‘259 corresponding to R⁴ of Formula (I) in the present claim 3 is a hydrogen atom. As noted, claim 3 has been amended to exclude “a hydrogen atom” from the definition for R⁴. Accordingly, WO ‘259 does not anticipate the present claim 3.

Further, the compound of claim 17 of WO ‘259 does not expressly indicate the stereochemistry at carbons 3 and 11 as recited in claim 3 of the present application.

In view of the above, reconsideration and withdrawal of the §102(b) rejection based on WO ‘259 are respectfully requested.

At page 4 of the Action, claim 3 is rejected under 35 U.S.C. §102(e) as allegedly being anticipated by US 7,115,651 (US ‘651).

Applicants submit that this rejection should be withdrawn because US ‘651 does not disclose or render obvious the presently claimed compound.

The compound cited by the Examiner in Figs. 25 and 26 of US '651 does not anticipate claim 3, since claim 3 recites substituents for R⁸ and R⁹ may form together a π bond or an ether bond, but the compound shown in Figs. 25 and 26 of US '651 has —C—C— at the corresponding positions.

Further, the compound of US '651 has a different stereochemistry of the carbon at the position 3. Also, US '651 is silent as to the stereochemistry of the carbon at the position 11.

In view of the above, reconsideration and withdrawal of the §102(e) rejection based on US '651 are respectfully requested.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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